

IN RE: PETITION FOR ADMIN. VARIANCE W/S Gwynn Oak Avenue, 500' NE of \* DEPUTY ZONING COMMISSIONER the c/l of Gwynndale Avenue (5708 Gwynn Oak Avenue) \* OF BALTIMORE COUNTY 2nd Election District 2nd Councilmanic District \* Case No. 94-446-A Zedakiah Brown, et al Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the property, Zedakiah Brown and Rozita Samuels. The Petitioners seek relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section X.A.3 of the 1945 Regulations to permit a front yard setback of 6 feet in lieu of the required 16 feet for a proposed wheelchair ramp in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

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## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto 

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administra

That Affiant(s) acknowledge(s) that if a protest is filed. Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared \_, 19\_\_44\_, before me, a Notary Public of the State

Rozita Sanvels & Zedakiah Branithe Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $\delta$  day of June, 1994 that the Petition for Administrative Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section X.A.3 of the 1945 Regulations to permit a front yard setback of 6 feet in lieu of the required 16 feet for a proposed wheelchair ramp, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restric-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > Deputy Zoning Commissioner for Baltimore County

REGR

TMK:bjs

EXAMPLE 3 - Zoning Description - 3 copies

- 2-

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

(north, south, east or west) (number of feet of right-of way width) wide at a distance of <u>500</u> centerline of the nearest improved intersecting street GWYNNDALE ANE as recorded in Baltimore County Plat 6990 SF . 16 acres (square feet and acres)

> \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

June 8, 1994

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Zedakiah Brown Ms. Rozita Samuels 5708 Gwynn Oak Avenue Baltimore, Maryland 21207

RE: PETITION FOR ADMINISTRATIVE VARIANCE W/S Gwynn Oak Avenue, 500' NE of the c/l of Gwynndale Avenue (5708 Gwynn Oak Avenue) 2nd Election District - 2nd Councilmanic District Zedakiah Brown, et al - Petitioners Case No. 94-446-A

Dear Mr. Brown and Ms. Samuels:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-33<del>9</del>1.

Pozite Samuels & Zed Thie h Brown

Location of Signer Facinity Too Sway Or property being To Hed

...ICROFILMED

Location of property 5708 Guy Dale Ary Ws

Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

TMK:bjs

This Petition shall be filed with the Office of Zoning Administration & Development Management.

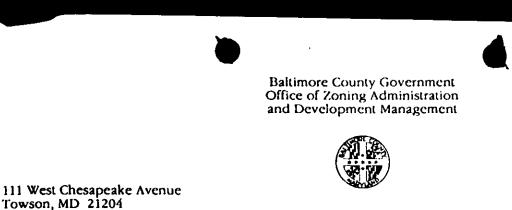
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(BC2., 3, 6, 8 C2R, AND XA.3.(1445,868)) TO PERMIT A FRONT MARD SETBACK OF 6' IN LIEU OF THE REGULARD 16 (FOR wheelchair Pamp) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Handicap ramp needs to go to top of hill to Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. i/We do solemnly declare and affirm, under the penalties of perjury, that !/we are the that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted. Zoning Commissioner of Baltimore County

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5708 Gwysn Oak Ave. 21207
which is presently zoned 0855



(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

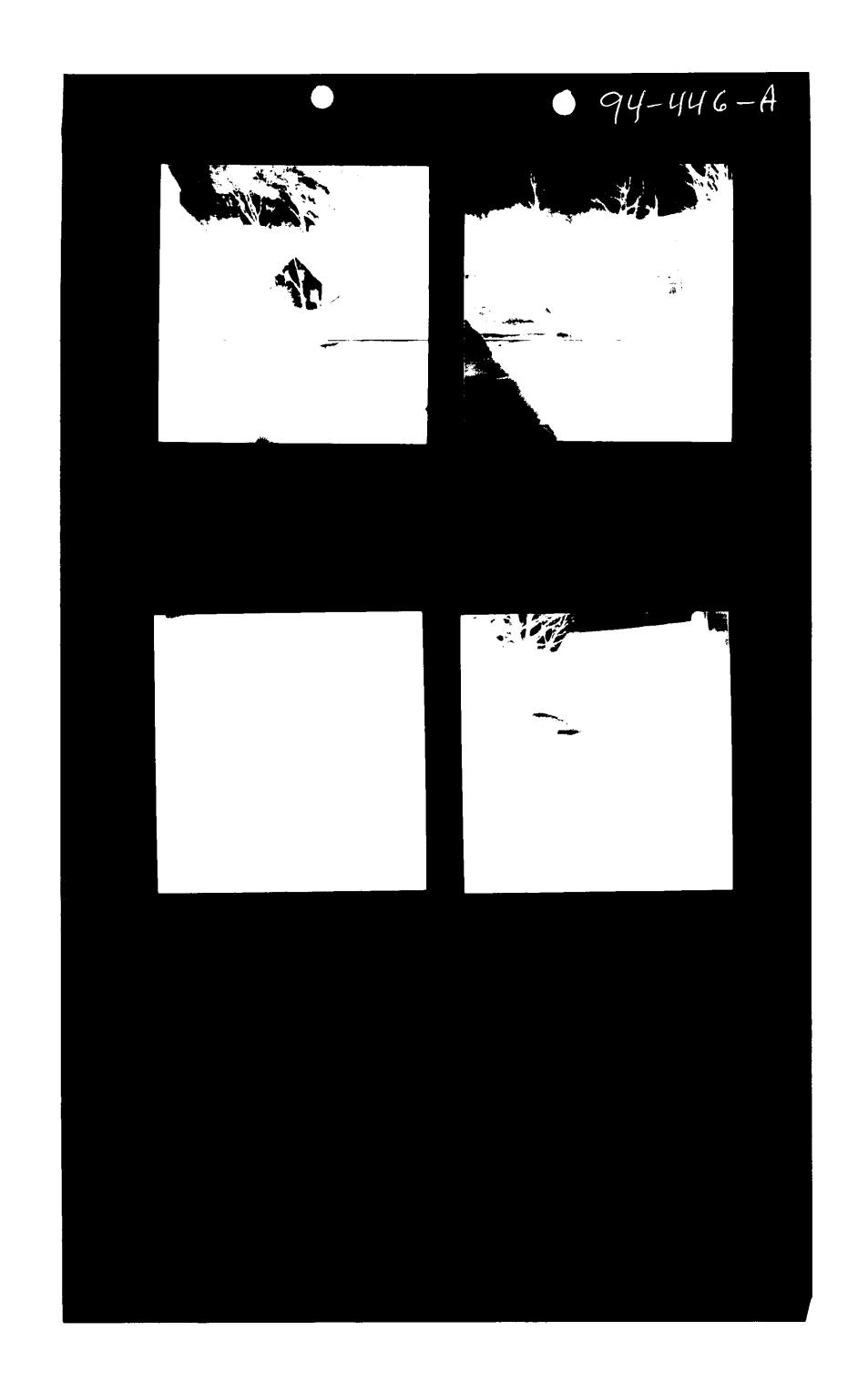
,
For newspaper advertising:
Item No.: 437
Petitioner: ROZITA SAMYELS
Location: 5708 GRUYNW OAK AUC. BALTOMY 2120
PLEASE FORWARD ADVERTISING BILL TO:
NAME:
ADDRESS:
PHONE NUMBER: 466-012]

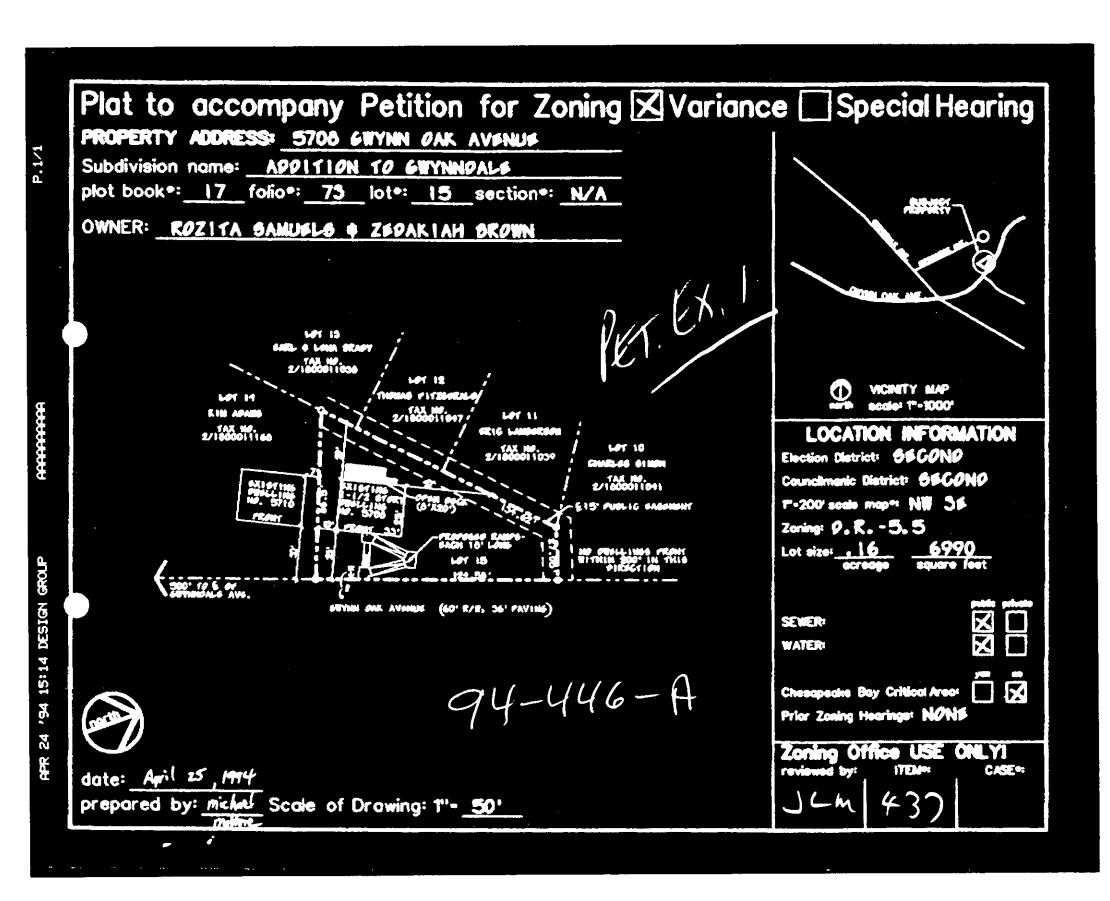
\*MUST BE SUPPLIED

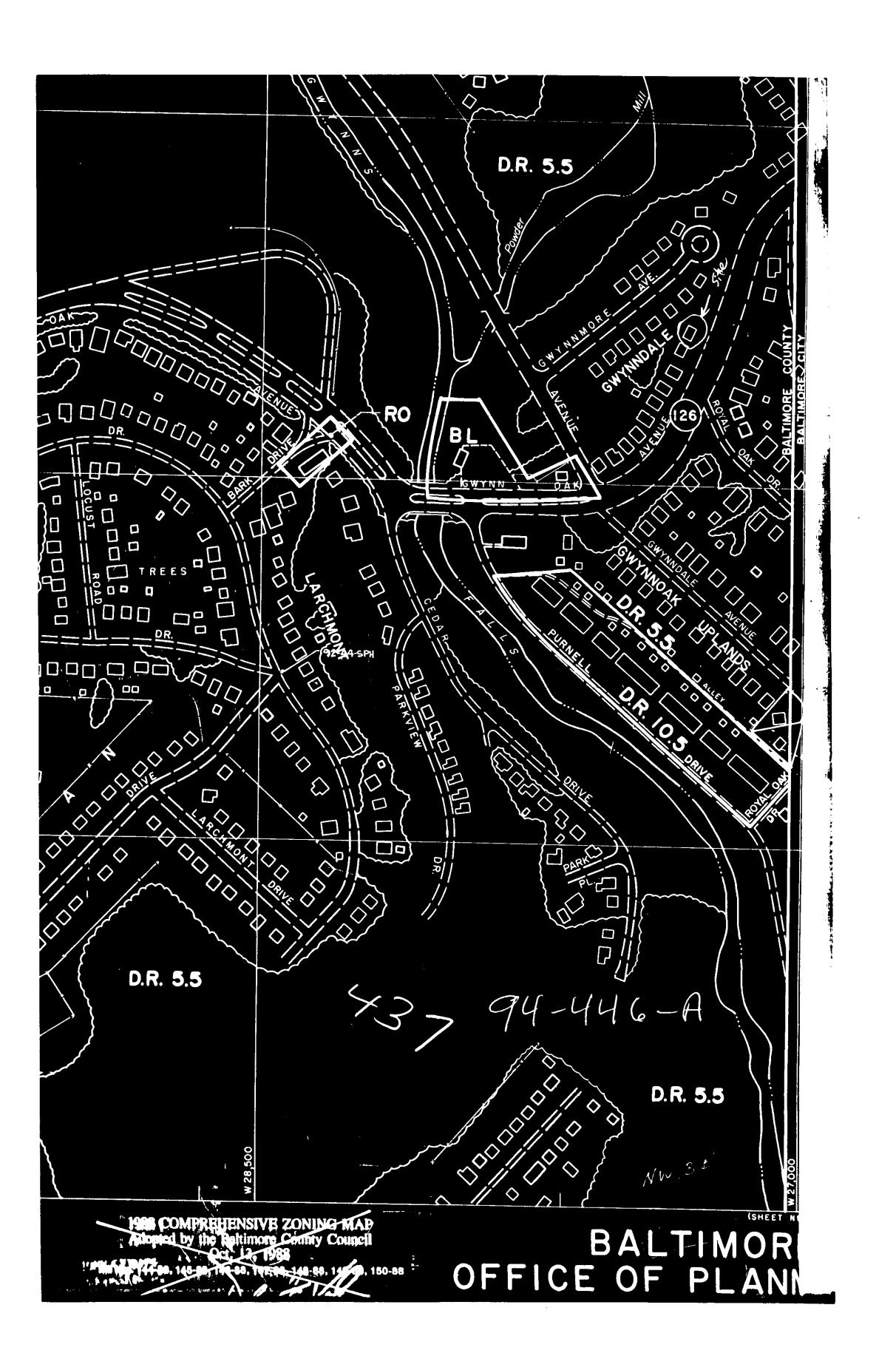
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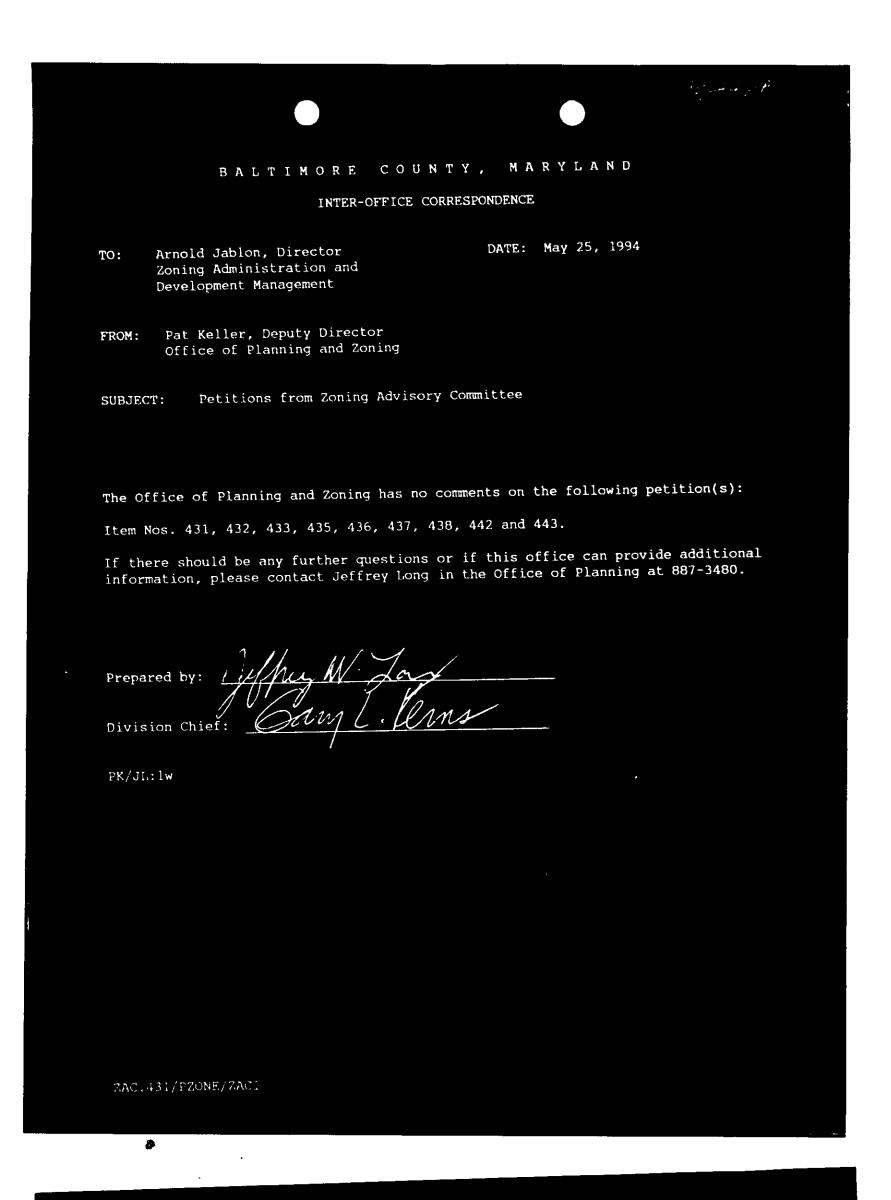
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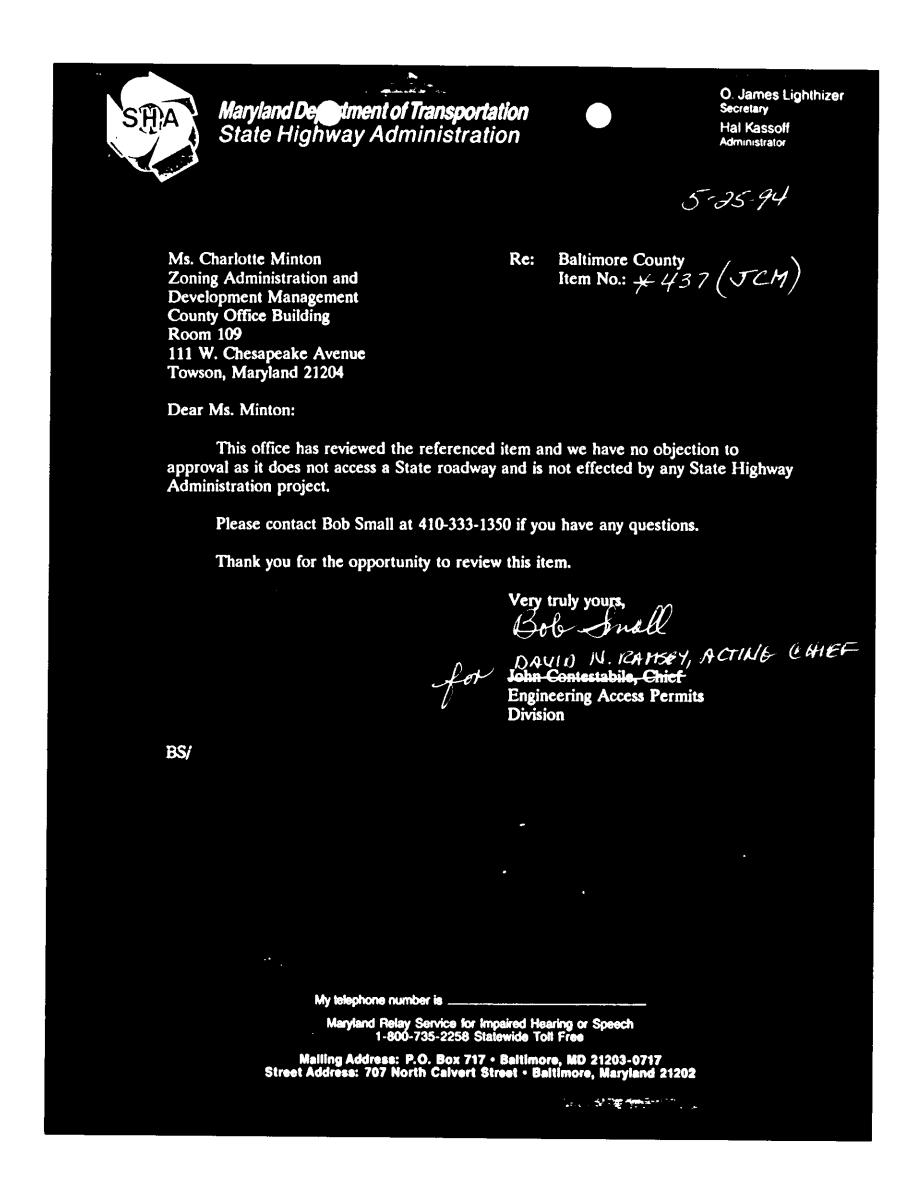


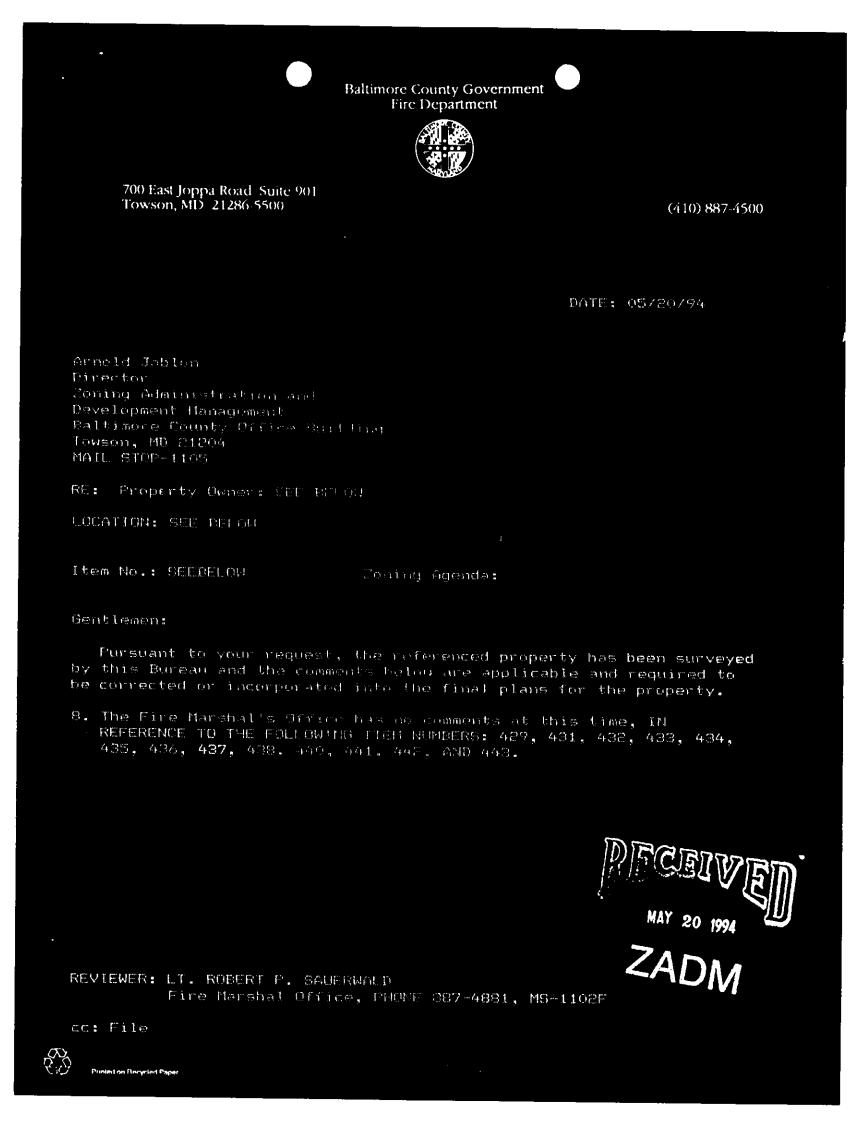


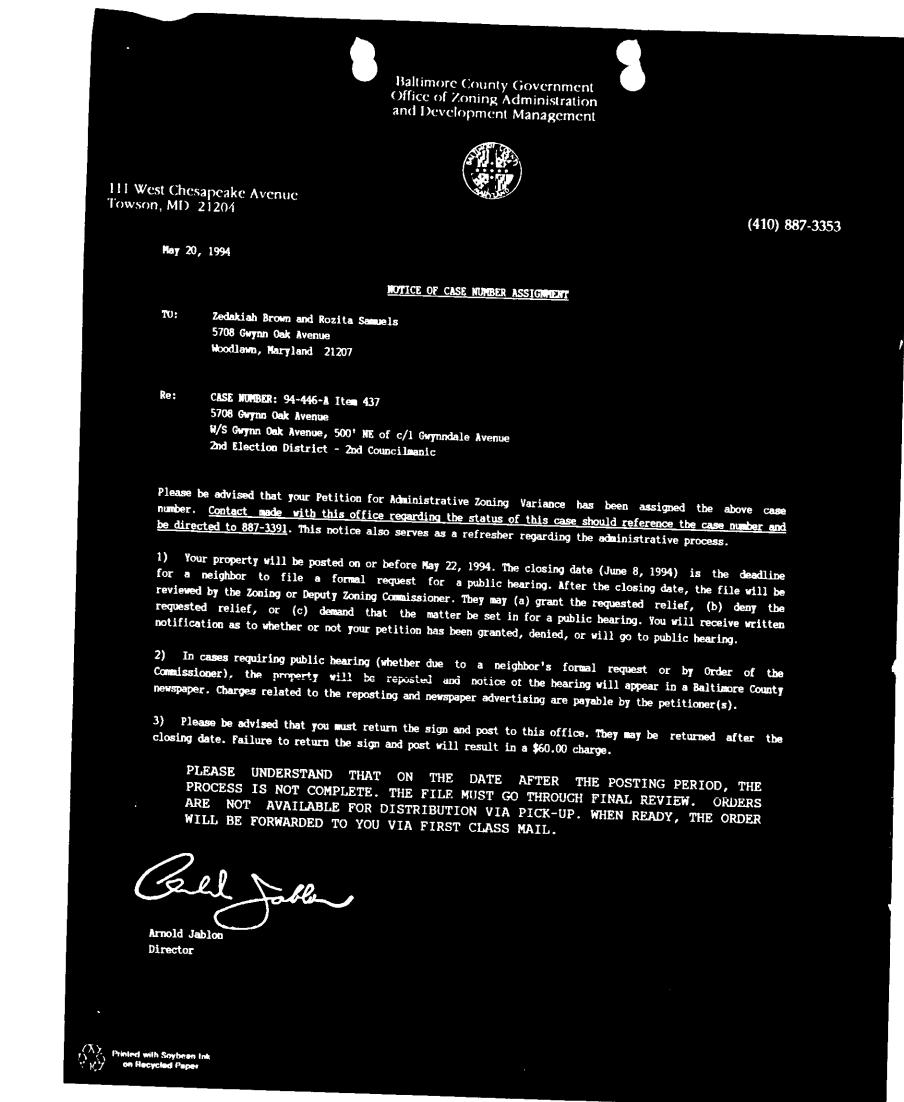


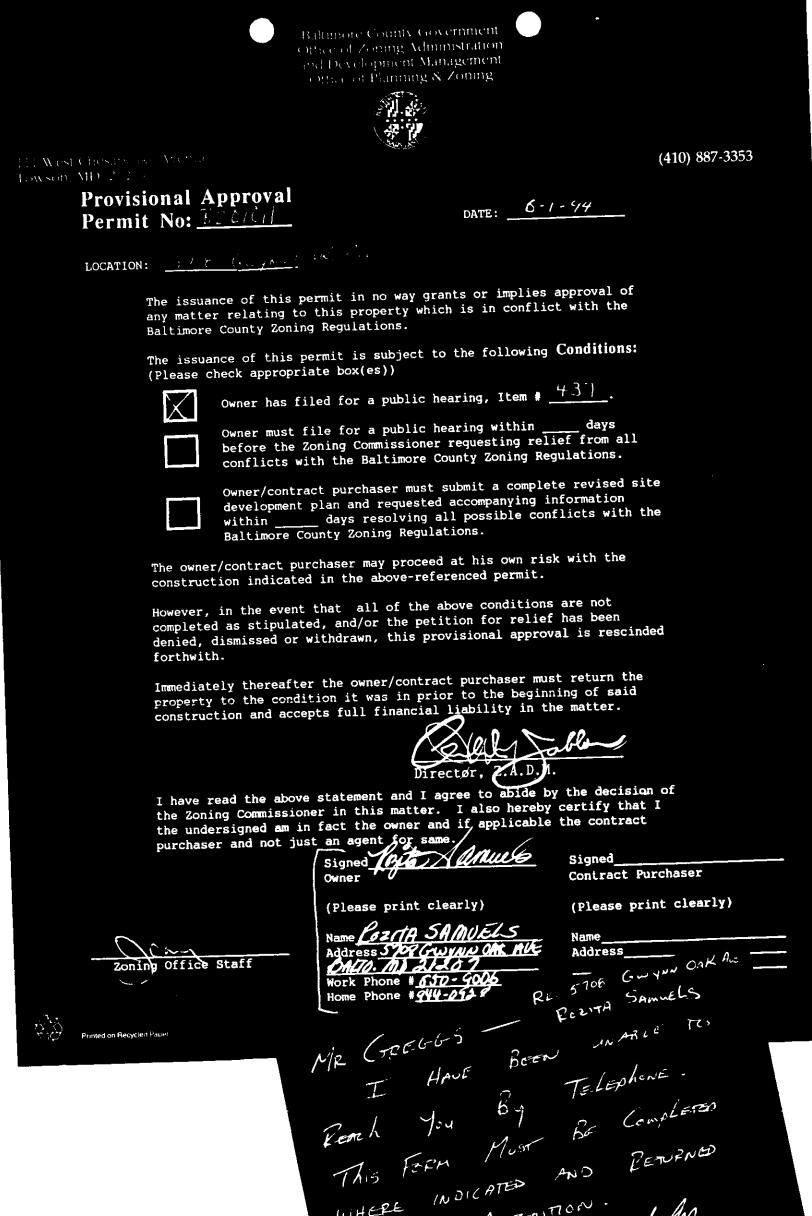


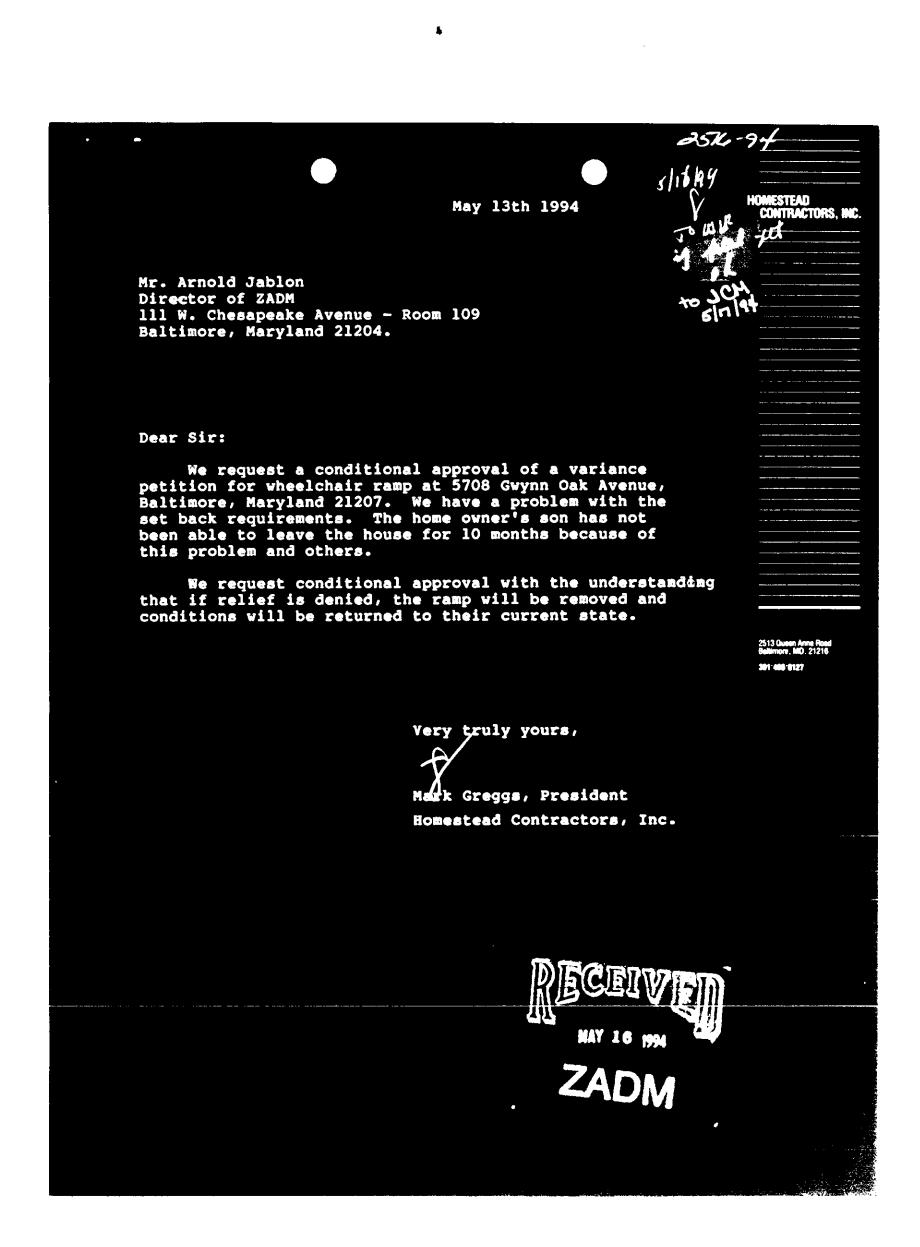












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That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administra

That Affiant(s) acknowledge(s) that if a protest is filed. Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared , 19 44, before me, a Notary Public of the State

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

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> > Deputy Zoning Commissioner for Baltimore County

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**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

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cc: People's Counsel

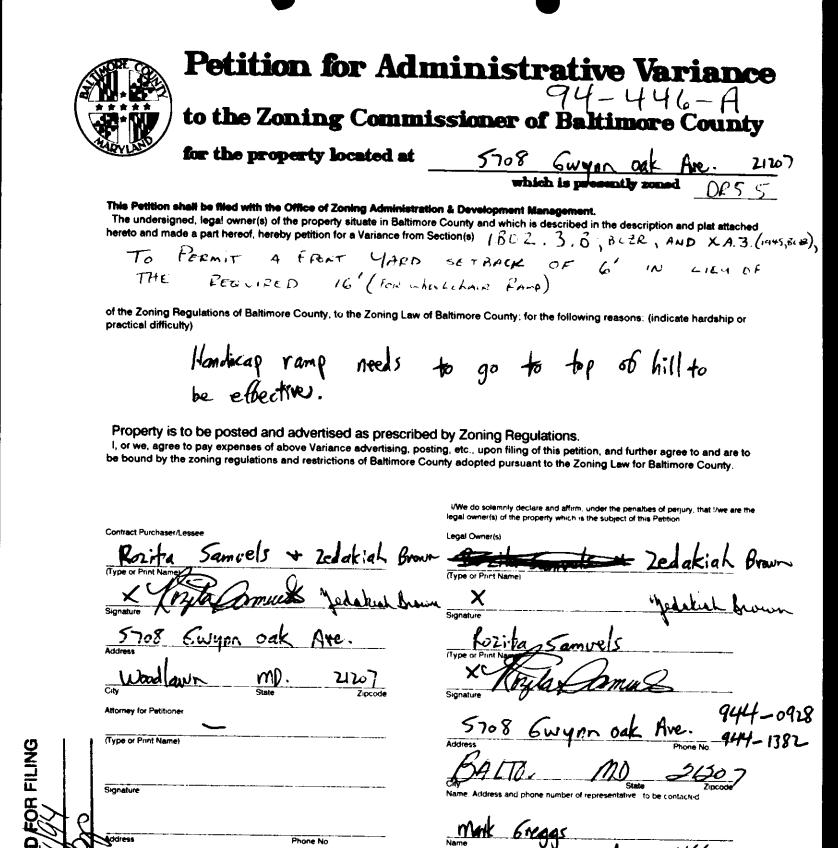
TMK:bjs

(410) 887-4386 June 8, 1994 In the event any party finds the decision rendered is unfavor-Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-446-17

District 2715	Date of Posting 5/11/94
Posted for:ATICADE	
Petitioner: 507114 5674 M.	1s 4 Ze d Thia b Brown
Location of property: 5708 Guy	Dala Aray Ms
Location of Signer Factory The	dway on property being Total
.,,	
Remarks:	
Posted by Mallacky	Date of return: 3/37/94

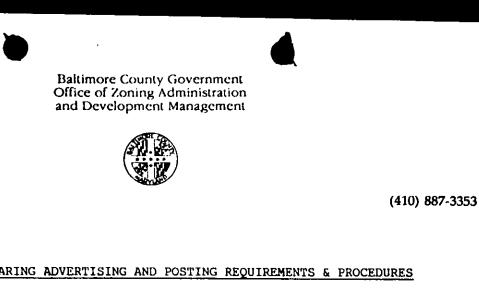
...ICROFILMED



that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

Zoning Commissioner of Baltimore County

circulation throughout Baltimore County, and that the property be reposted.



ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 437 Petitioner: Rozina Samuels
$\sim$ 0 0 $\sim$ 0 0 $\sim$ 0 0
Location: 5708 GRUYNW CAK Auc. BALTO.My 2120
PLEASE FORWARD ADVERTISING BILL TO:
NAME:
ADDRESS:
PHONE NUMBER: 466-0127

\*MUST BE SUPPLIED

111 West Chesapeake Avenue

Towson, MD 21204

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